



United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/777,155	02/13/2004	Maurice Lampell	10003755-1	5109	
7590 08/14/2006			EXAMINER		
AGILENT TECHNOLOGIES, INC. Intellectual Property Administration Legal Department, DL429 P. O. Box 7599 Loveland, CO 80537-0599			NGUYEN,	NGUYEN, QUYNH H	
			ART UNIT	PAPER NUMBER	
			2614		
			DATE MAILED: 08/14/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Office Action Summany	10/777,155	LAMPELL ET AL.			
Office Action Summary	Examiner	'Art Unit			
	Quynh H. Nguyen	2614			
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address			
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be time ill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	I. lely filed the mailing date of this communication. O (35 U.S.C. § 133).			
Status					
1) Responsive to communication(s) filed on 13 Fe	shruany 2004				
	<u>_</u>				
<i>'</i>	,_				
• •	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.				
Disposition of Claims	x pario Quayro, 1000 0.5. 11, 40	0 0.0. 210.			
4) Claim(s) 11-29 is/are pending in the application.					
4a) Of the above claim(s) is/are withdrawn from consideration.					
5) Claim(s) is/are allowed.					
6)⊠ Claim(s) <u>11,16,21 and 25-29</u> is/are rejected.					
7) Claim(s) <u>12-15,17-20, and 22-24</u> is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.					
Application Papers					
9) The specification is objected to by the Examiner	·.				
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the o	•				
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).					
11) The oath or declaration is objected to by the Ex					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:					
1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No					
3. Copies of the certified copies of the priority documents have been received in this National Stage					
application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list of the certified copies not received.					
Attachment(s)					
Notice of References Cited (PTO-892)	(PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal Pa	te atent Application (PTO-152)			
Paper No(s)/Mail Date	6) Other:	· · · · · · · · · · · · · · · · · · ·			

Application/Control Number: 10/777,155

Art Unit: 2614

DETAILED ACTION

Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 11, 16, 21, and 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jordan (U.S. Patent 6,327,345).

Regarding claims 11, 16, 21, and 26-29, Jordan teaches selecting records comprising call characteristic information created and providing the call records identify a same called station (col. 1, line 59 through col. 2, line 24 - where Jordan discussed a prestored voice print record corresponding to the utterance of the authentic caller is retrieved from a database to be matched with the voice of the caller. If the presorted voice print and the utterance do not match, there is the probability that the call is a fraudulent call, and various risk factors associated with the call are taken into consideration including the call destination); establishing arbitrage whether the records are correlated (col. 4, line 58 through col. 5, line 10 - where Jordan discussed in a call center, the operator would validate the incoming call telephone number to determine whether it is a viable number for which the call may be completed by performing a database look-up. The database contains the bad destination numbers, if the caller

Application/Control Number: 10/777,155

Art Unit: 2614

give the operator a destination that match any number from this database, the call will not be completed, thus the system provides additional processing to more clearly illuminate fraudulent calls).

Jordan does not teach detailing the steps of establishing arbitrage; and a computer program storage medium readable by a computer with instructions executable by the computer to perform the steps of identifying fraudulent calls.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the steps of establishing arbitrage; and a computer program storage medium readable by a computer with instructions executable by the computer to perform the steps of identifying fraudulent calls, in Jordan's system in order to have a more efficient system with accurate information to perform a statistical analysis and more clearly illuminate any arbitrage/fraudulent.

Regarding claim 25, Jordan teaches establishing arbitrage in accordance with a degree to which traffic profiles of first and second connecting carriers change inversely to each other (col. 1, line 63 through col. 2, line 11; col. 6, line 38 through col. 7, line 11).

Allowable Subject Matter

4. Claims 12-15, 17-20, and 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Page 4

Regarding claims 12-15, 17-20, and 22-24, the prior art of record fails to teach, or render obvious, alone or in combination a computer operable method for establishing arbitrage of calls in a telephone system comprising the claimed means and their components, relationships, and functionalities as specifically recited in claims 12-15, 17-20, and 22-24.

Double Patenting

5. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 11-29 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 6,694,001. Although the conflicting claims are not identical, they are not patentably distinct from

Application/Control Number: 10/777,155 Page 5

Art Unit: 2614

each other because there are obvious variance between the instant application and the

U.S. Patent No. 6,694,001.

7. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-

7489. The examiner can normally be reached on Monday - Thursday from 6:15 A.M. to

4:45 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair_direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Quynh H. Nguyen Patent Examiner

Duysh H. Nguyen

Art Unit 2614